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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,221	01/04/2002	James Lundblad	MSI-1051US	7272
22801	7590	09/27/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LEE, MICHAEL	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,221	LUNDBLAD ET AL.	
	Examiner M. Lee	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 January 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-14 is/are allowed.
- 6) Claim(s) 15-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/4/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15-17, 19, 20, 21-27, 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Binford, Jr. et al. (6,285,405).

Regarding claim 15, Binford shows a receiving step (206), a presentation time stamp identifying step (col. 6, line 13, picture start code), a system time clock identifying step (col. 6, line 14, temporal reference), a determining step (col. 6, lines 39-42), and a presentation step (col. 7, lines 1-7).

Regarding claim 16, see col. 7, lines 35-38.

Regarding claim 17, Binford inherently includes a buffer for storing and delaying the audio data.

Regarding claims 19 and 20, Binford shows a video decoder and an audio decoder.

Regarding claim 21, Binford shows a communication processor 206 for parsing video and audio data streams, which meets the transport stream decoder as claimed, a video decoder 204, which meets the video processing module as claimed, an audio decoder 212, which meets the audio processing module as

claimed, and the communication processor 206 for further processing the received picture start code (PSC) and the temporal reference (TR) and delaying of audio presentation by a time difference based on the picture start code and temporal reference value (col. 6, line 34, to col. 7, line 13), which meets the clock control module as claimed.

Regarding claim 22, the audio decoder 212 inherently includes a buffer for storing the audio data.

Regarding claim 23, see audio decoder 212 and video decoder 204.

Regarding claim 24, as mentioned in rejection to claim 21, the communication processor 206 receives and processes both the picture start code and the temporal code.

Regarding claims 25, 26, in addition of above, Binford further shows a temporal reference, which meets the system time clock as claimed, and a video display software routine (Figure 4) executing on a communication processor 206. Binford further teaches that the invention, such as the audio and video decoders, could be implemented on computer software (col. 7, lines 48-57).

Regarding claim 27, Binford inherently includes audio reproduction hardware, such as a data buffer and D/A converter, for reproducing digital signal into audio signal.

Regarding claim 29, the video presentation delay is determined at periodic intervals (col. 6, lines 63-65).

Regarding claims 30-32, in addition of above, Binford teaches that the invention could be carried out by computer software (col. 7, lines 48-54).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binford, Jr. et al. (6,285,405).

Regarding claim 28, Binford does not specify the video presentation delay is determined at when a vertical retrace sync signal is received. Since the video presentation delay is derived in every video frame, it must be derived at the beginning of frame in order to have ample time to decode the video and audio data. The beginning of the frame is usually indicated by a vertical retrace sync signal. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to determine the video presentation delay at the receive of vertical retrace sync signal so that the video data and audio data could be decoded properly.

Regarding claim 18, Binford does not specify the determining step and the storing step as claimed. The examiner takes Official Notice that using DMA (directly memory access) buffer for data delaying functions are well known in the art for its speed and simplification (note tied up with the CPU). The delaying functions usually include the determining step and the storing step as claimed. Hence, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to include a DMA buffer into Binford to perform the well known delay functions as claimed.

Allowable Subject Matter

5. Claims 1-14 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: Prior art does not teach or suggest the determining step for determining a time required to process the audio data and the difference determining step as recited in claims 1 and 10.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Woodhead et al. (5,640,388) shows a time stamp correcting means.

Okada et al. (5,668,601) shows a video decoder and audio decoder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number is **703-305-4743**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Miller**, can be reached at **703-305-4795**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

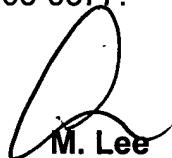
Art Unit: 2614

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application
or proceeding should be directed to the Technology Center 2600 Customer
Service Office whose telephone number is (703) 306-0377.



M. Lee
Primary Examiner
Art Unit 2614

September 17, 2004